

JUN 15 2005

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Fax Transmission | June 15, 2005

TO: Commissioner for Patents
Attn: BERNARD LIPMAN
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Alexandria, VA 22313-1450

FROM: Mark DiPietro

OUR REF: 14369.8USU1
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Total pages, including cover letter: 8

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Title of Document Transmitted: RESPONSE UNDER 37 C.F.R. §1.116 and
DECLARATION OF THOMAS H. QUINNApplicant: THOMAS H. QUINN
Serial No.: 10/823,398
Filed: 04/12/2004
Group Art Unit: 1713
Our Ref. No.: 14369.8USU1
Confirmation No. 3234

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By: Mark DiPietro
Name: Mark DiPietro
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RESPONSE UNDER 37 C.F.R. 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 1713

S/N 10/823,398PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	THOMAS H. QUINN	Examiner:	BERNARD LIPMAN
Serial No.:	10/823,398	Group Art Unit:	1713
Filed:	04/12/2004	Docket No.:	14369.0008USU1
Confirmation No.	3234		
Title:	LOW ODOR, LIGHT COLOR HOT PICK-UP ADHESIVE		

RESPONSE UNDER 37 C.F.R. § 1.116

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Commissioner for Patents
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Dear Sir:

REMARKS

This communication is in response to the Examiner's Action dated 20 April 2005. The Examiner has maintained a rejection under 35 U.S.C. §103 over Horsey et al., U.S. Patent No. 5,128,397. The essence of the Examiner's rejection is that the "consisting essentially" of language does not distinguish the prior art since the presence or absence of polymer makes little impact on the properties of the adhesive. Since this is not the case, particularly in hot pick-up (HPU) adhesives, Applicant respectfully traverses the rejection.

The Examiner has cited Horsey et al. in his rejection. In maintaining the rejection, the Examiner has taken the position that excluding the polymer using the terminology "consisting essentially of" does not resolve patentable issues in the case. The Examiner's position is as follows:

Claims are rejected for reasons of record. Horsey et al teaches the claimed hot-melt adhesives with resin